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Attorneys for Defendant ASHFORD SAN FRANCISCO II LLP

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA**

Case No. 3:20-cv-8458 EMC

SAMUEL LOVE,

Plaintiff,

v.

ASHFORD SAN FRANCISCO II LLP, a
Delaware Limited Liability Company,

Defendant.

**NOTICE OF MOTION AND MOTION
TO DISMISS FIRST AMENDED
COMPLAINT PURSUANT TO FED. R.
CIV. P. 12(b)(1) AND (b)(6)**

Date: June 17, 2021
Time: 1:30 p.m.
Court: 5 - 17th Fl.
San Francisco Courthouse

Hon. Edward M. Chen

TO PLAINTIFF AND HIS ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT on June 17, 2021, or as soon thereafter as the matter may be heard in Courtroom 5 of the above-entitled court, ASHFORD SAN FRANCISCO II LLP (“Defendant”) will and hereby does move the Court for an Order awarding Defendant its reasonable attorney’s fees in the amount of \$12,199.48 pursuant to the ADA, or alternatively, as sanctions pursuant to Rule 11, 28 U.S.C. § 1927 and this Court’s inherent powers.

This motion is brought on the grounds that the complaint filed by Dwain Lammey (“Plaintiff”) and his counsel in this case was frivolous, unreasonable, filed in bad faith, and vexatious.

This motion is based on this Notice of Motion and Motion, the Memorandum of Points and Authorities filed herewith, the Declaration of Philip H. Stillman and exhibits thereto, the pleadings and papers on file herein, and upon such other matters as may be presented to the Court at the time of the hearing, if any.

WHEREFORE, defendant ASHFORD SAN FRANCISCO II LLP respectfully requests that this Court award Defendant its reasonable attorney’s fees in the amount of \$15,588.83.

Respectfully Submitted,

STILLMAN & ASSOCIATES



Dated: April 29, 2021

By: Philip H. Stillman, Esq.
Attorneys for Defendant
ASHFORD SAN FRANCISCO II LLP

PROOF OF SERVICE

I, the undersigned, certify under penalty of perjury that on April 29, 2021 or as soon as possible thereafter, copies of the foregoing Motion for Attorney's Fees, the memorandum of Points and Authorities, the Declaration of Philip Stillman and Proposed Order were served electronically by the Court's ECF notice to all persons/entities requesting special notice or otherwise entitled to the same.

By: /s/ Philip H. Stillman
Attorneys for Defendant
ASHFORD SAN FRANCISCO II LLP